



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Danny & Lucia Berardi
DOCKET NO.: 13-00576.001-R-1
PARCEL NO.: 16-05-02-207-005-0000

The parties of record before the Property Tax Appeal Board are Danny & Lucia Berardi, the appellants, by Jerri K. Bush, Attorney at Law, in Chicago, and the Will County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Will County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$20,010
IMPR: \$127,998
TOTAL: \$148,008**

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Will County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property consists of a two-story dwelling of frame and brick exterior construction with 4,141 square feet of living area. The dwelling was constructed in 1990. Features of the home include a full walkout-style basement, central air conditioning, a fireplace and an attached three-car garage of

731 square feet of building area. The property is located in Lockport, Homer Township, Will County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument, the appellants submitted a limited "Property Tax Analysis" of five suggested comparable sales. The analysis was dated February 12, 2014. Neither the name nor the professional credentials of the person(s) who prepared the report were disclosed. The comparables are located from .08 to .72 of a mile from the subject property. The comparables had varying degrees of similarity when compared to the subject in design, dwelling size, age, and features. The comparables sold from December 2012 to June 2013 for prices ranging from \$184,000 to \$386,400 or from \$57.97 to \$97.35 per square foot of living area, including land. The analysis included Property Equalization Values (adjustments) to the comparables for sale date, age, square footage, and garage area. No evidence or explanation pertaining to the calculation of the adjustment amounts was provided. Based on the Property Equalization Values, the analysis conveys a value estimate for the subject property of \$332,181 or a total assessment of \$110,716. At the bottom of the analysis, data sources were listed as Assessor, MLS, Realist, Marshall & Swift and IRPAM.

Based on this evidence, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$148,008. The subject's assessment reflects a market value of \$445,942 or \$107.69 per square foot of living area, land included, when using the 2013 three year average median level of assessment for Will County of 33.19% as determined by the Illinois Department of Revenue.

In support of the subject's assessment, the board of review submitted a limited analysis of five comparable sales and a letter addressing the appeal. The evidence was prepared by the Homer Township Assessor.

With respect to the evidence submitted by the appellants, the township assessor argued the appellants' market analysis was from ProTaxAppeal software. The assessor questioned the manner in which the data sources were obtained. The assessor also questioned the expertise, experience of the person who prepared the analysis and the calculation of the adjustment amounts.

The comparable sales submitted on behalf of the board of review were located in the subject's neighborhood. The comparables had varying degrees of similarity when compared to the subject in design, dwelling size, age and features. The comparables sold from May 2011 to May 2013 for prices ranging from \$276,000 to \$502,000 or from \$106.52 to \$140.56 per square foot of living area, including land.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellants did not meet this burden of proof.

The parties submitted ten suggested comparable sales for consideration. The Board gave less weight to comparables #1, #2 and #3 submitted by the board of review as these properties sold in 2011, a date more remote in time and which would be less reliable indicative of the subject's estimated market value as of the January 1, 2013 assessment date. In addition, appellants' comparables #1, #2 and #4 along with board of review comparable #5 are dissimilar in dwelling size when compared to the subject.

The Board finds the three remaining comparables are most similar to the subject in age, size, design, features and sold more proximate in time to the subject's January 1, 2013 assessment date. These comparables sold for prices ranging from \$329,000 to \$502,000 or from \$88.18 to \$107.54 per square foot of living area, including land. The subject's assessment reflects an estimated market value of \$445,942 or \$107.69 per square foot of living area, including land, which falls within the range established by the most similar comparable sales contained in this record in terms of overall value and is slightly above the range in terms of a square-foot analysis. The subject is slightly smaller than the largest comparable dwelling and accepted real estate valuation theory provides that all factors being equal, as the size of the property increases, the per unit

value decreases. In contrast, as the size of a property decreases, the per unit value increases. Therefore, based on this analysis, the Board finds the appellants failed to demonstrate the subject property was overvalued by a preponderance of the evidence and no reduction in the subject's assessment is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Chairman

K. L. Fan

Member

Klaus Albrecht

Member

Jerry White

Member

Acting Member

Robert Steffen

Acting Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: January 22, 2016

A. Proctor

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.